

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS – AUSTIN DIVISION

JEREMY STORY,

Plaintiffs,

V.

SUPERINTENDENT HAFEDH AZAIEZ, TRUSTEES AMBER FELLER, TIFFANIE HARRISON, AMY WEIR, JUN XIAO, CORY VESSA; OFFICERS JEFFREY YARBROUGH, JAMES WILLIBY, DEBORAH GRIFFITH, MILTON POPE, FRANK PONTILLO, RON COLE, CHIEF DENNIS WEINER, and CARLA AMACHER, individually, and ROUND ROCK INDEP. SCHOOL DISTRICT,

Defendants.

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CIVIL ACTION NO.
1:22-cv-00448-DAE

**DEFENDANT RON COLE'S UNOPPOSED MOTION TO EXTEND TIME TO
ANSWER OR OTHERWISE RESPOND TO PLAINTIFF JEREMY STORY'S
THIRD AMENDED COMPLAINT**

Defendant Ron Cole (“Cole”)—a Detective with the Round Rock Independent School District (“RRISD” or the “District”) Police Department—moves the Court to grant him an extension of time to answer or otherwise respond to Plaintiff Jeremy Story’s Third Amended Complaint (“Complaint”). Dkt. 49. In support of this Unopposed Motion (“Motion”), Cole would respectfully show the Court the following:

1. On September 29, 2023, Jeremy Story (“Story”) filed an Agreed Motion for Leave to Amend Complaint. Dkt. 46. The Agreed Motion for Leave included the Complaint as an attachment. *See* Dkt. 46-1. On October 5, 2023, the Court granted the Agreed Motion for Leave. That same day, the Court accepted and filed the Complaint. Dkt. 49. As part of the Complaint, Story named three new defendants: Cole; RRISD Police Chief Dennis Weiner; and Dr. Carla Amacher, a former Area Superintendent for the District. *See id.* Story asserts a First Amendment claim against Cole, Chief

Weiner, and Dr. Amacher regarding his interactions with them in a RRISD high school parking lot related to his political campaigning efforts. *See* Dkt. 49, ¶¶ 208–22.

2. Chief Weiner and Dr. Amacher retained the undersigned counsel to represent them in this case and waived service. Dkts. 69, 70. Their deadline to answer or otherwise respond to Story's Complaint is April 12, 2024. *See id.* Story served Cole with a Summons on March 12, 2024. Dkt. 71. On or about March 18, 2024, several days after Story served Cole, Cole retained the undersigned counsel to represent him in this case. Cole's deadline to answer or otherwise respond to the Complaint is April 2, 2024. *See id.*

3. The factual allegations and claim against Cole in the Complaint are substantially similar to the allegations and claim against Chief Weiner and Dr. Amacher. And Cole, Chief Weiner, and Dr. Amacher are all now represented by the undersigned counsel. As a result, Cole seeks to extend his time to answer or otherwise respond to the Complaint to the April 12, 2024, deadline applicable to Chief Weiner and Dr. Amacher so that the undersigned counsel may address the Complaint's allegations and common claim against Cole, Chief Weiner, and Dr. Amacher in a single pleading. This will reduce the briefing in the case, preserve judicial resources, and the resources of the parties.

4. Cole, therefore, seeks an extension of his current April 2, 2024, deadline to answer or otherwise respond to the Complaint to April 12, 2024. This is Cole's first request for an extension of the deadline to answer or otherwise respond to the Complaint. He does not request this extension for the purpose of undue delay but so that justice may be done. Cole makes this request without waiving any of his defenses or objections to the Complaint under Federal Rule of Civil Procedure 12 or other rule or law.

5. Counsel for Cole conferred with Story's counsel regarding the relief sought in this Motion. Story's counsel advised that he was unopposed to the relief requested.

6. If the Court grants this Motion, the new deadline for Cole to file an answer or other response to Story's Complaint will be April 12, 2024.

WHEREFORE, PREMISES CONSIDERED, Defendant Ron Cole prays that the Court grant this Unopposed Motion to Extend Time to Answer or Otherwise Respond to Plaintiff Jeremy Story's Third Amended Complaint and extend his deadline to April 12, 2024.

Respectfully submitted,

/s/ Adam Rothey

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that she conferred with Plaintiffs' counsel, Warren Norred, via email on March 21, 2024, regarding the relief requested in this Motion. Mr. Norred indicated that Plaintiff is unopposed to this motion and the relief requested.

/s/ Adam Rothey

K. ADAM ROTHEY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon all counsel of record via the Court's electronic filing system on March 26, 2024.

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/s/ Adam Rothey

K. ADAM ROTHEY